

REMARKS

Claims 1-21 are pending.

The claims are amended to recite GTPase activity, support for which can be found on page 34, lines 21 to 31. No new matter is added.

Restriction Requirement

In the Restriction Requirement, the Examiner required election of one of the following groups of claims:

- Group I: Claims 1-8 and 10;
- Group II: Claim 11;
- Group III: Claims 12-14 and 18-20; and
- Group IV: Claims 15-17.

The Examiner also requires an election of:

- Species A: Claim 3;
- Species B: Claim 4; and
- Species C: Claim 5;

for initial prosecution on the merits.

The Applicants elect **Group I** claims, with traverse. The Applicants further elect Species B, (claim 4, related to nucleotide hydrolyzation). All claims are generic to the elected species.

The claim amendments presented above are consistent with these elections.

The Applicants believe that this Restriction Requirement is improper because the instant application is an international application that entered the US via 35 U.S.C. § 371. The restriction of claims in this application is therefore governed by PCT Rule 13.1<sup>1</sup> (via 37 C.F.R. § 1.475). PCT Rule 13.1 is elaborated in great detail in MPEP §§ 1893.03(d) and 1850.

According to PCT Rule 13.1, the Applicant has a right to pursue, in one application, all inventions that are linked by a single inventive concept.

In this case, the GTPase activity of NS4B provides a single inventive concept that unifies the claims. Under PCT Rule 13.1, the Applicants believe they have the right to pursue all of the claims of this case.

In the Restriction Requirement, the Examiner argued that the claims of this case are not linked by a single inventive concept because the concept is assertedly already taught by WO99/01582.

WO99/01582, however, makes no mention of NS4B's GTPase activity. As such, there is no basis for maintaining the Restriction Requirement.

In view of the foregoing discussion, the Applicants request rejoinder of claims 1-21.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number STAN-316.

Respectfully submitted,  
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